

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

EBONY QUEEN

PLAINTIFF

v.

CIVIL ACTION NO. 3:19-cv-67-HTW-LRA

MOHAN SINGH JUGAIT, INC.;
MOHAN SINGH JUGAIT; and
JOHN DOES 1-5

DEFENDANTS

NOTICE OF REMOVAL

TO: Larissa C. Moore
Joe Tatum
Tatum & Wade, PLLC
Post Office Box 22688
Jackson, Mississippi 39225-2688

Reserving all Rule 12 and other affirmative defenses, Defendants, Mohan Singh Jugait, Inc. and Mohan Singh Jugait, by and through undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby remove this cause from the Circuit Court of Hinds County, Mississippi, First Judicial District, to the United States District Court for the Southern District of Mississippi, Northern Division, and would show as follows:

1. **Removal.** Defendants remove this cause to this Court pursuant to diversity jurisdiction. *See* 28 U.S.C. §§ 1332, 1441 and 1446.
2. **The State Court Action.** The state court action which is removed to this Court is styled: ***Ebony Queen v. Mohan Singh Jugait, Inc., Mohan Singh Jugait, and John Does 1-5***, Cause No. 18-558, in the Circuit Court of Hinds County, Mississippi, First Judicial District. A

copy of the State Court file is attached hereto as Exhibit "A". This matter arises out of a claim for damages arising out of an automobile accident.

3. **Propriety of Removal.** This removal is proper under 28 U.S.C. Section 1441(a) & (b) and Section 1332 (diversity jurisdiction). Complete diversity of citizenship exists, and the amount in controversy is in excess of \$75,000.00. This action is properly removed under 28 U.S.C. § 1441 to the Southern District of Mississippi, Northern Division, as the district and division embracing the Circuit Court of Hinds County, Mississippi in which the state court action was pending.

4. **Diversity of Citizenship.** Complete diversity of citizenship exists here. As alleged in the Complaint, Plaintiff, Ebony Queen, is a resident citizen of Hinds County, Mississippi. Defendant, Mohan Singh Jugait, Inc., is a Virginia corporation with its principal place of business located at 1600 East Jefferson Court, Sterling, Virginia 20164, and Defendant, Mohan Singh Jugait, is a resident citizen of Virginia.

5. **Amount in Controversy.** The state court Complaint asserts that as a result of Defendants' alleged negligence, Plaintiff is entitled to damages for physical injuries, including past, present, and future medical, hospital, pharmacy and related expenses, past and future emotional distress, pain and suffering, and punitive damages. Therefore the amount in controversy is satisfied.

6. **Timeliness.** This notice of removal has been filed within thirty days after receipt of a copy of a paper from which it could be ascertained that this cause of action is removable, as provided by 28 U.S.C. § 1446.

7. **Consent to Removal by All Defendants.** As of the filing of this Notice of Removal, all Defendants who have been served with process consent to removal of this action.

8. **Notice to Others.** In accordance with 28 U.S.C. § 1446(d), Defendants will promptly give notice to all parties in writing and shall file a copy of the notice of removal with the Clerk of the state court.

Accordingly, Defendants, Mohan Singh Jugait, Inc. and Mohan Singh Jugait, remove this action to the United States District Court for the Southern District of Mississippi, Northern Division.

Respectfully submitted, this 24th day of January, 2019.

MOHAN SINGH JUGAIT, INC. and
MOHAN SINGH JUGAIT, Defendants

BY: s/ Scott Ellzey
James G. Wyly, III, MS Bar 7415
Scott Ellzey [MS Bar No. 10435]
Drury S. Holland [MS Bar No. 104371]
PHELPS DUNBAR LLP
2602 13th Street, Suite 300
Gulfport, MS 39501
Phone: (228) 679-1310
Fax: (228) 679-1131
E-mail: wylyj@phelps.com
scott.ellzey@phelps.com
dru.holland@phelps.com

CERTIFICATE OF SERVICE

I do hereby certify that I have this date mailed through the United States Postal Service, postage prepaid, a true and correct copy of the above and foregoing to the following:

Larissa C. Moore
Joe Tatum
Tatum & Wade, PLLC
Post Office Box 22688
Jackson, Mississippi 39225-2688

This, the 24th day of January, 2019.

s/Scott Ellzey